

106TH CONGRESS  
2D SESSION

# S. 2966

To amend the Fair Labor Standards Act of 1938 to prohibit retaliation and confidentiality policies relating to disclosure of employee wages, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 27, 2000

Mr. JEFFORDS (for himself, Mr. BAUCUS, Mr. EDWARDS, and Mr. ROTH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Fair Labor Standards Act of 1938 to prohibit retaliation and confidentiality policies relating to disclosure of employee wages, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wage Awareness Pro-  
5 tection Act”.

6 **SEC. 2. PROHIBITED ACTS.**

7 (a) PROHIBITION ON RETALIATION AND CONFIDEN-  
8 TIALITY POLICIES.—Section 6(d) of the Fair Labor  
9 Standards Act of 1938 (29 U.S.C. 206(d)) is amended—

1           (1) by redesignating paragraph (4) as para-  
2       graph (6); and

3           (2) by inserting after paragraph (3) the fol-  
4       lowing:

5       “(4) It shall be unlawful for any person—

6           “(A) to discharge or in any other manner dis-  
7       criminate against any employee because such  
8       employee—

9           “(i) has made a charge, assisted, or par-  
10       ticipated in any manner in an investigation,  
11       hearing, or other proceeding under this sub-  
12       section; or

13           “(ii) has inquired about, discussed, or oth-  
14       erwise disclosed the wages of the employee, or  
15       another employee who is not covered by a con-  
16       fidentiality policy that is lawful under subpara-  
17       graph (B); or

18           “(B) to make or enforce a written or oral con-  
19       fidentiality policy that prohibits an employee from  
20       inquiring about, discussing, or otherwise disclosing  
21       the wages of the employee or another employee, ex-  
22       cept that nothing in this subparagraph shall be  
23       construed—

24           “(i) to prohibit an employer from making  
25       or enforcing such a confidentiality policy, for an

1 employee who regularly, in the course of car-  
2 rying out the employer’s business, obtains infor-  
3 mation about the wages of other employees,  
4 that prohibits the employee from inquiring  
5 about, discussing, or otherwise disclosing the  
6 wages of another employee, except that an em-  
7 ployee may discuss or otherwise disclose the  
8 employee’s own wages; and

9 “(ii) to require the employer to disclose an  
10 employee’s wages.

11 “(5) For purposes of sections 16 and 17, a violation  
12 of paragraph (4) shall be treated as a violation of section  
13 15(a)(3), rather than as a violation of this section.”.

14 (b) CONFORMING AMENDMENT.—Section 6(d)(3) of  
15 the Fair Labor Standands Act of 1938 (29 U.S.C.  
16 206(d)(3) is amended by inserting “(other than paragraph  
17 (4))” after “this subsection”.

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